

**Notice of Allowability**

Application No.

09/761,031

Examiner

Milap Shah

Applicant(s)

ROWE, RICHARD E.

Art Unit

3712

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on July 3, 2006.
2. ☒ The allowed claim(s) is/are 1-54.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## DETAILED ACTION

### *Reasons for Allowance*

Claims 1-54 are allowed.

The following is an examiner's statement of reasons for allowance: A thorough search of prior art fails to disclose any reference or references, which, taken alone or in combination teach or suggest the claimed invention. Specifically, the prior art fails to teach or suggest, "the controller being programmed to cause the value-dispensing mechanism to dispense the bonus payout and not the currency payout to the user after the bonus payout has been determined in response to detecting a bonus payout dispensing selection by the user at the electronic gambling unit and to add the bonus payout to the available credits for the user at the gambling unit in response to not detecting the bonus payout dispensing selection". Each of the independent claims 1, 9, 17, 25, 33, 41, & 50 recite the above limitation in various forms, however, each of these claims is considered to recite a limitation that is equivalent limitation to the above.

The closest prior art is Schneider et al. which incorporates at least all of the other recited limitations and partially the limitation as recited above, however, no form of user selection is provided to the player to allow the player to choose, once a bonus award has been determined (i.e. through play of a bonus game), to either dispense the a bonus award directly to the player via a value-dispensing mechanism or to add the bonus award to the available credits. The Examiner rejected the claims as obvious over Schneider et al. by supporting the rejection using the argument that user selection within a gaming machine is well known in the art and that it provides for an interactive exciting game in which players are retained and gaming revenue is increased. However, the Applicant argued that by allowing a player to remove or dispense their bonus payout via a user selection to do so, the gaming revenue is effected negatively rather than positively (see Applicant's

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remarks filed August 7, 2006 for the detailed argument to the Examiner's rejections). The Examiner agrees with this conclusion and submits, in accordance with MPEP 706.02(j) & 2143, that there is no motivation suggested by the cited art or provided by one of ordinary skill in the art to modify Schneider et al. to allow user selection, specifically at the point where a bonus award has been determined, to either dispense the bonus award out of the gaming machine or keep the bonus award within the machine (via adding it to the available credits). More specifically in this situation the controller is programmed to determine if a user has chosen to remove his/her bonus payout and at the same time (i.e. through the same controller process) provide the bonus award to the player's available credits meter if the player does not input a selection. Therefore, the claims are deemed allowable over all cited art on the record.

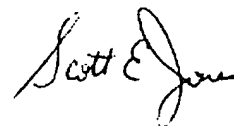
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milap Shah whose telephone number is (571) 272-1723. The examiner can normally be reached on M-F: 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571) 272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**SCOTT JONES**  
PRIMARY EXAMINER

MB.S.